

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: EAST PALESTINE TRAIN
DERAILMENT

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CASE NO. 4:23CV0242

JUDGE BENITA Y. PEARSON

ORDER

Pending is the parties' Joint Notice Regarding Necessity of a *Daubert* Hearing Pursuant to October 1, 2024 Order ([ECF No. 674](#)). The Court has been advised, having reviewed the proposals of each party and the record. Third-Party Plaintiffs Norfolk Southern Corporation and Norfolk Southern Railway Company ("Norfolk Southern") and Third-Party Defendant OxyVinyls LP submit that a *Daubert* hearing is not necessary, and propose that the issues be submitted on the briefs and deposition testimony.

On October 9, 2024, 14 *Daubert* Motions challenging 14 experts were filed. Third-Party Defendants GATX Corporation and General American Marks Company ("GATX") request a *Daubert* hearing as to Joseph Poplawski, Michael Lunsford, and R. Peter McClellan, three (3) experts proffered by Norfolk Southern. In the event the Court grants GATX's hearing request, Norfolk Southern submits that the Court should also hold a *Daubert* hearing as to GATX's experts Lee Swanger and Sarah Parker (whom filed a joint report), Abid Kemal, and Chason Coelho.

A district court is not required to hold a hearing to address a *Daubert* issue. See [Nelson v. Tenn. Gas Pipeline Co.](#), 243 F.3d 244, 249 (6th Cir. 2001) (citing [Greenwell v. Boatwright](#), 184

[F.3d 492, 498 \(6th Cir.1999\)](#)). The Court finds that it can resolve ECF Nos. [617](#), [619](#), [620](#), and [622](#) on the papers. Therefore, a *Daubert* hearing on the motions is unnecessary at this time.

IT IS SO ORDERED.

January 7, 2025
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge